

GENERAL ASSEMBLY OF NORTH CAROLINA  
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SENATE BILL 626  
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/9/13  
House Committee Substitute Favorable 7/16/13  
Fourth Edition Engrossed 7/18/13

Short Title: Recodify Animal Shelter Law.

(Public)

Sponsors:

Referred to:

April 4, 2013

A BILL TO BE ENTITLED

AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT; AND TO ESTABLISH A CAP ON THE REIMBURSEMENT AMOUNT AVAILABLE FROM THE SPAY/NEUTER PROGRAM; AND TO PROVIDE FOR THE PROTECTION OF ANIMALS CONFINED IN MOTOR VEHICLES UNDER CIRCUMSTANCES THAT THREATEN THE ANIMALS' HEALTH.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 19A-23 is amended by redesignating subdivision (5a) as subdivision (5c) and by adding two new subdivisions to read:

"(5a) "Approved foster care provider" means an individual, nonprofit corporation, or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.

"(5b) "Approved rescue organization" means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards."

**SECTION 2.** Chapter 19A of the General Statutes is amended by adding a new section to read:

**"§ 19A-32.1. Minimum holding period for animals in animal shelters; public viewing of animals in animal shelters; disposition of animals.**

(a) Except as otherwise provided in this section, all animals received by an animal shelter or by an agent of an animal shelter shall be held for a minimum holding period of 72 hours, or for any longer minimum period established by a board of county commissioners, prior to being euthanized or otherwise disposed of.

(b) Before an animal may be euthanized or otherwise disposed of, it shall be made available for adoption under procedures that enable members of the public to inspect the animal, except in the following cases:

(1) The animal has been found by the operator of the shelter to be unadoptable due to injury or defects of health or temperament.



1           (2)    The animal is seriously ill or injured, in which case the animal may be  
2            euthanized before the expiration of the minimum holding period if the  
3            manager of the animal shelter determines, in writing, that it is appropriate to  
4            do so. The writing shall include the reason for the determination.

5           (3)    The animal is being held as evidence in a pending criminal case.

6           (c)    Except as otherwise provided in this subsection, a person who comes to an animal  
7            shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject  
8            to rules providing for such viewing during at least four hours a day, three days a week. If the  
9            shelter is housing animals that must be kept apart from the general public for health reasons,  
10           public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter  
11           shall make reasonable arrangements that allow pet owners to determine whether their lost pets  
12           are among those animals.

13          (d)    During the minimum holding period, an animal shelter may place an animal it is  
14           holding into foster care by transferring possession of the animal to an approved foster care  
15           provider, an approved rescue organization, or the person who found the animal. If an animal  
16           shelter transfers possession of an animal under this subsection, at least one photograph  
17           depicting the head and face of the animal shall be displayed at the shelter in a conspicuous  
18           location that is available to the general public during hours of operation, and that photograph  
19           shall remain posted until the animal is disposed of as provided in subsection (f) of this section.

20          (e)    If a shelter places an animal in foster care, the shelter may, in writing, appoint the  
21           person or organization possessing the animal to be an agent of the shelter. After the expiration  
22           of the minimum holding period, the shelter may (i) direct the agent possessing the animal to  
23           return it to the shelter, (ii) allow the agent to adopt the animal consistent with the shelter's  
24           adoption policies, or (iii) extend the period of time that the agent holds the animal on behalf of  
25           the shelter. A shelter may terminate an agency created under this subsection at any time by  
26           directing the agent to deliver the animal to the shelter. The local government or organization  
27           operating the shelter, as principal in the agency relationship, shall not be liable to reimburse the  
28           agent for the costs of care of the animal and shall not be liable to the owner of the animal for  
29           harm to the animal caused by the agent, absent a written contract providing otherwise.

30          (f)    An animal that is surrendered to an animal shelter by the animal's owner and not  
31           reclaimed by that owner during the minimum holding period may be disposed of in one of the  
32           following manners:

33               (1)    Returned to the owner.

34               (2)    Adopted as a pet by a new owner.

35               (3)    Euthanized by a procedure approved by rules adopted by the Department of  
36                Agriculture and Consumer Services or, in the absence of such rules, by a  
37                procedure approved by the American Veterinary Medical Association, the  
38                Humane Society of the United States, or the American Humane Association.

39          (g)    An animal that is surrendered to an animal shelter by the animal's owner may be  
40           disposed of before the expiration of the minimum holding period in a manner authorized under  
41           subsection (f) of this section if the owner provides to the shelter (i) some proof of ownership of  
42           the animal and (ii) a signed written consent to the disposition of the animal before the  
43           expiration of the minimum holding period.

44          (h)    If the owner of a dog surrenders the dog to an animal shelter, the owner shall state in  
45           writing whether the dog has bitten any individual within the 10 days preceding the date of  
46           surrender.

47          (i)    An animal shelter shall require every person to whom an animal is released to  
48           present one of the following valid forms of government-issued photographic identification: (i) a  
49           drivers license, (ii) a special identification card issued under G.S. 20-37.7, (iii) a military  
50           identification card, or (iv) a passport. Upon presentation of the required photographic

1 identification, the shelter shall document the name of the person, the type of photographic  
2 identification presented by the person, and the photographic identification number.

3 (j) Animal shelters shall maintain a record of all animals impounded at the shelter, shall  
4 retain those records for a period of at least three years from the date of impoundment, and shall  
5 make those records available for inspection during regular inspections pursuant to this Article  
6 or upon the request of a representative of the Animal Welfare Section. These records shall  
7 contain, at a minimum:

8 (1) The date of impoundment.

9 (2) The length of impoundment.

10 (3) The disposition of each animal, including the name and address of any  
11 person to whom the animal is released, any institution that person represents,  
12 and the identifying information required under subsection (i) of this section.

13 (4) Other information required by rules adopted by the Board of Agriculture."

14 **SECTION 3.** G.S. 130A-192 reads as rewritten:

15 **"§ 130A-192. Animals not wearing required rabies vaccination tags.**

16 (a) The Animal Control Officer shall canvass the county to determine if there are any  
17 animals not wearing the required rabies vaccination tag. If an animal required to wear a tag is  
18 found not wearing one, the Animal Control Officer shall check to see if the owner's  
19 identification can be found on the animal. If the animal is wearing an owner identification tag  
20 with information enabling the owner of the animal to be contacted, or if the Animal Control  
21 Officer otherwise knows who the owner is, the Animal Control Officer shall notify the owner  
22 in writing to have the animal vaccinated against rabies and to produce the required rabies  
23 vaccination certificate to the Animal Control Officer within three days of the notification. If the  
24 animal is not wearing an owner identification tag and the Animal Control Officer does not  
25 otherwise know who the owner is, the Animal Control Officer may impound the animal. The  
26 duration of the impoundment of these animals shall be established by the county board of  
27 commissioners, but the duration shall not be less than 72 hours. During the impoundment  
28 period, the Animal Control Officer shall make a reasonable effort to locate the owner of the  
29 animal. If the Animal Control Officer has access at no cost or at a reasonable cost to a  
30 microchip scanning device, the Animal Control Officer ~~may~~ shall scan the animal and utilize  
31 any information that may be available through a microchip to locate the owner of the animal, if  
32 possible. If the animal is not reclaimed by its owner during the impoundment period, the animal  
33 shall be disposed of in one of the following manners: returned to the owner; adopted as a pet by  
34 a new owner; ~~sold to institutions within this State registered by the United States Department of~~  
35 ~~Agriculture pursuant to the Federal Animal Welfare Act, as amended;~~ or put to death by a  
36 procedure approved by rules adopted by the Department of Agriculture and Consumer Services  
37 or, in the absence of such rules, by a procedure approved by the American Veterinary Medical  
38 Association, the Humane Society of the United States or of the American Humane Association.

39 (a1) Before an animal may be put to death, it shall be made available for adoption ~~under~~  
40 ~~procedures that enable members of the public to inspect the animal, except in cases in which~~  
41 ~~the animal is found by the operator of the shelter to be unadoptable due to injury or defects of~~  
42 ~~health or temperament. An animal that is seriously ill or injured may be euthanized if the~~  
43 ~~manager of the animal shelter determines, in writing, that it is appropriate to do so. Nothing in~~  
44 ~~this subsection shall supercede (i) any rules adopted by the Board of Agriculture which specify~~  
45 ~~the number of animals allowed for kennel space in animal shelters, or (ii) the duration of~~  
46 ~~impoundment established by the county board of commissioners, or the 72-hour holding period,~~  
47 ~~as provided in subsection (a) of this section. as provided in G.S. 19A-32.1.~~

48 (a2) Except as otherwise provided in this subsection, a person who comes to an animal  
49 shelter attempting to locate a lost pet is entitled to view every animal held at the shelter, subject  
50 to rules providing for such viewing during at least four hours a day, three days a week. If the  
51 shelter is housing animals that must be kept apart from the general public for health reasons,

1 ~~public safety concerns, or in order to preserve evidence for criminal proceedings, the shelter~~  
2 ~~shall make reasonable arrangements that allow pet owners to determine whether their lost pets~~  
3 ~~are among those animals.~~

4 (a3) The Animal Control Officer shall maintain a record of all animals impounded under  
5 this section which shall include the date of impoundment, the length of impoundment, the  
6 method of disposal of the animal and the name of the person or institution to whom any animal  
7 has been released.

8 (b) ~~In addition to domesticated dogs and cats not wearing the required rabies tags, the~~  
9 ~~provisions of subsection (a) of this section concerning the holding of animals for at least 72~~  
10 ~~hours and the permissible means of disposition of animals after expiration of that holding~~  
11 ~~period also apply to all of the following:~~

12 (1) ~~Dogs and cats that are wearing rabies tags but are taken into custody for~~  
13 ~~violation of statutes or ordinances not related to rabies control, such as~~  
14 ~~ordinances requiring the leashing or restraining of dogs and cats.~~

15 (2) ~~Dogs and cats surrendered to an animal shelter by the owners of the animals,~~  
16 ~~unless an owner provides to the shelter the following:~~

17 a. ~~Some proof of ownership of the animal, and~~

18 b. ~~A signed written consent to the disposition of the animal, in a manner~~  
19 ~~authorized by this section, before the expiration of the 72-hour~~  
20 ~~holding period or of a longer period established by ordinance or local~~  
21 ~~rule to which the shelter is subject.~~

22 (c) ~~If an animal is not wearing tags, or other mode of identification indicating its owner,~~  
23 ~~and is delivered to an animal shelter by (i) a person who has found and captured the animal, or~~  
24 ~~(ii) by an approved rescue organization that received the animal from a person who found and~~  
25 ~~captured the animal, then the shelter may, in writing, appoint the finder or approved rescue~~  
26 ~~organization to be the agent of the shelter. For purposes of this subsection, the term "approved~~  
27 ~~rescue organization" means a nonprofit corporation or association that cares for stray animals~~  
28 ~~that has been favorably assessed by the operator of the animal shelter through the application of~~  
29 ~~written standards.~~

30 (1) ~~If the animal is a dog or cat, the finder or approved rescue organization shall~~  
31 ~~hold the animal for the 72-hour holding period provided for in subsection (a)~~  
32 ~~of this section or such longer holding period that may be applicable to the~~  
33 ~~shelter by ordinance or local rule. If the animal is not a dog or cat, then the~~  
34 ~~holding period shall be by agreement between the animal shelter and the~~  
35 ~~person or organization receiving the animal.~~

36 (2) ~~After the expiration of the applicable holding period, the shelter may:~~

37 a. ~~Transfer the animal by adoption to the person or organization that~~  
38 ~~has held it as agent, or~~

39 b. ~~Extend the period of time the finder or rescue organization holds the~~  
40 ~~animal as agent of the shelter.~~

41 (3) ~~A shelter may terminate an agency created under this subsection at any time~~  
42 ~~by directing the finder or rescue organization to deliver the animal to the~~  
43 ~~shelter.~~

44 (4) ~~The city, county, or organization operating the animal shelter, as principal in~~  
45 ~~the agency relationship, shall not be liable to reimburse the agent for the~~  
46 ~~costs of care of the animal and shall not be liable to the owner of the animal~~  
47 ~~for harm to the animal caused by the agent, absent a written contract~~  
48 ~~providing otherwise.~~

49 (d) ~~During the 72-hour or longer holding period established under subsection (a) of this~~  
50 ~~section, an animal shelter may place an animal it is holding in foster care.~~

1 (e) If an animal shelter transfers physical possession of a dog or cat under subsection  
2 (c) or (d) of this section, so that the animal is no longer on the animal shelter premises, at least  
3 one photograph which depicts the head and face of the animal shall (i) be displayed at the  
4 shelter in a conspicuous location that is available to the general public during hours of  
5 operation, and (ii) remain posted for the 72-hour or longer holding period established under  
6 subsection (a) of this section."

7 **SECTION 4.** G.S. 19A-64 reads as rewritten:

8 "**§ 19A-64. Distributions to counties and cities from Spay/Neuter Account.**

9 (a) Reimbursable Costs. – Counties and cities eligible for distributions from the  
10 Spay/Neuter Account may receive reimbursement for the direct costs of a spay/neuter surgical  
11 procedure for a dog or cat owned by a low-income person as defined in G.S. 19A-63(b).  
12 Reimbursable costs shall include anesthesia, medication, and veterinary services. Counties and  
13 cities shall not be reimbursed for the administrative costs of providing reduced-cost spay/neuter  
14 services or capital expenditures for facilities and equipment associated with the provision of  
15 such services. The reimbursement amount for each surgical procedure for a female dog or cat  
16 shall be no more than one hundred fifty percent (150%) of the average reimbursement allowed  
17 for surgical procedures for female dogs and cats by the Spay/Neuter Program during the prior  
18 calendar year. The reimbursement amount for each surgical procedure for a male dog or cat  
19 shall be no more than one hundred fifty percent (150%) of the average reimbursement allowed  
20 for surgical procedures for male dogs and cats by the Spay/Neuter Program during the prior  
21 calendar year.

22 (b) Application. – A county or city eligible for reimbursement of spaying and neutering  
23 costs from the Spay/Neuter Account shall apply to the Department of Agriculture and  
24 Consumer Services by the last day of January, April, July, and October of each year to receive  
25 a distribution from the Account for that quarter. The application shall be submitted in the form  
26 required by the Department and shall include an itemized listing of the costs for which  
27 reimbursement is sought.

28 (c) Distribution. – The Department shall make payments from the Spay/Neuter Account  
29 to eligible counties and cities who have made timely application for reimbursement within 30  
30 days of the closing date for receipt of applications for that quarter. In the event that total  
31 requests for reimbursement exceed the amounts available in the Spay/Neuter Account for  
32 distribution, the monies available will be distributed as follows:

33 (1) Fifty percent (50%) of the monies available in the Spay/Neuter Account  
34 shall be reserved for reimbursement for eligible applicants within  
35 development tier one areas as defined in G.S. 143B-437.08. The remaining  
36 fifty percent (50%) of the funds shall be used to fund reimbursement  
37 requests from eligible applicants in development tier two and three areas as  
38 defined in G.S. 143B-437.08.

39 (2) Among the eligible counties and cities in development tier one areas,  
40 reimbursement shall be made to each eligible county or city ~~pursuant to rules~~  
41 ~~adopted by the Department~~ in the proportion that the rate of spays and  
42 neuters per one thousand persons in that city or county compares to the total  
43 rate of spays and neuters per one thousand persons within the total tier one  
44 area. Population data shall be obtained from the most recent decennial  
45 census.

46 (3) Among the eligible counties and cities in development tier two and three  
47 areas, reimbursement shall be made to each eligible county or city ~~pursuant~~  
48 ~~to rules adopted by the Department~~ in the proportion that the rate of spays  
49 and neuters per one thousand persons in that city or county compares to the  
50 total rate of spays and neuters per one thousand persons within the total tier

1 two and three area. Population data shall be obtained from the most recent  
2 decennial census.

- 3 (4) Should funds remain available from the fifty percent (50%) of the  
4 Spay/Neuter Account designated for development tier one areas after  
5 reimbursement of all claims by eligible applicants in those areas, the  
6 remaining funds shall be made available to reimburse eligible applicants in  
7 development tier two and three areas."

8 **SECTION 5.** G.S. 19A-66 reads as rewritten:

9 **"§ 19A-66. Notification of available funding.**

10 Prior to January 1 of each year, the Department of Agriculture and Consumer Services shall  
11 notify counties and cities that have, prior to that notification deadline, established eligibility for  
12 distribution of funds from the Spay/Neuter Account pursuant to G.S. 19A-63, of the following:

- 13 (1) The amount of funding in the Spay/Neuter Account that the Department will  
14 have available for distribution to each county or city receiving notification to  
15 pay reimbursement requests submitted by the county or city during the  
16 calendar year following the notification deadline; and  
17 (2) The amount of additional funding, if any, the Department estimates, but does  
18 not guarantee, may be available to pay reimbursement requests submitted by  
19 the notified county or city to the Department during the calendar year  
20 following the notification deadline.  
21 (3) The maximum amount that may be reimbursed for each surgical procedure  
22 for a female dog or cat during the upcoming calendar year.  
23 (4) The maximum amount that may be reimbursed for each surgical procedure  
24 for a male dog or cat during the upcoming calendar year."

25 **SECTION 6.** Article 47 of Chapter 14 of the General Statutes is amended by  
26 adding a new section to read:

27 **"§ 14-363.3. Confinement of animals in motor vehicles.**

28 (a) In order to protect the health and safety of an animal, any animal control officer,  
29 animal cruelty investigator appointed under G.S. 19A-45, law enforcement officer, firefighter,  
30 or rescue squad worker, who has probable cause to believe that an animal is confined in a  
31 motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal  
32 due to heat, cold, lack of adequate ventilation, or under other endangering conditions, may  
33 enter the motor vehicle by any reasonable means under the circumstances after making a  
34 reasonable effort to locate the owner or other person responsible for the animal.

35 (b) Nothing in this section shall be construed to apply to the transportation of horses,  
36 cattle, sheep, swine, poultry, or other livestock."

37 **SECTION 7.** Section 4 of this act becomes effective October 1, 2013. Section 5 of  
38 this act becomes effective January 1, 2014. The remainder of this act is effective when it  
39 becomes law.